## FONE, INC.

73 FERRY STREET NEWARK, NJ 07458 973-954-5800 RECEIVED & INSPECTED

AUG 1 8 2005

FCC - MAILROOM

Marlene H. Dortch Commission's Secretary, Office of the Secretary Federal Communications Commission 445 12th Street, SW, Washington, DC 20554.

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Re: WC Docket No. 05-196

## Subscriber Notification and Acknowledgement Status and Compliance Reports

In compliance with Public Notice DA 05-2085, dated July 25, 2005, we submit the following:

- 1. A detailed description of all actions the provider has taken to specifically advise every subscriber, prominently and in plain language, of the circumstances under which E911 service may not be available through the interconnected VoIP service and/or may be in some way limited by comparison to traditional E911 service. This information should include, but is not limited to, relevant dates and methods of contact with subscribers (i.e., e-mail, U. S. mail);
  - a. On July 28, 2005 our office sent out a detailed letter to each of our 16 subscribers. These 16 subscribers consist of 100% of all of our subscribers registered for our VOIP service on that day. These letters were sent Express Mail, Certified Return Receipt Requested. Attached as Exhibit A is:
    - a. Copy of the letter sent;
    - b. Express mail payment receipts; (attached are copies of the Express Mail Receipts for the 16 subscribers)
    - c. Receipt of delivery for these subscribers. (To date we have received 6-signed Return Receipts, which copies are attached.)
  - b. On July 29, 2005, our office sent a letter by regular mail to the same subscribers.
    - a. A copy of this letter is attached as Exhibit B.

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- c. On 8/1/05 and 8/2/05, the staff of Tufone, called each customer, and explained the difference between the Standard 911 and the 911 offered by Tufone, Inc. (A copy of the script read to them is attached as well as an affidavit by each employee as to the results. These calls resulted in calling 21 subscribers as 5 new ones had signed on with our service. One subscriber came into the office and excuted her acknowledgement. (Exhibit C).
- d. Additionally, we have sent by e-mail directions on how to access the site to acknowledge their understanding of the 911 systems.
- 2. A quantification of how many of the provider's subscribers, on a percentage basis, have submitted an affirmative acknowledgement, as of the date of the report, and an estimation of the percentage of subscribers from whom they do not expect to receive an acknowledgement by August 29, 2005;
  - a. To date we have received affirmative acknowledgement, either by mail or orally, from 21 out of our 21 registered users.
  - b. We expect to receive Affirmative Acknowledgements from all of our users by August 29, 2005. This includes our original 16 subscribers and any new subscribers that retain our service.
- 3. A detailed description of whether and how the provider has distributed to all subscribers warning stickers or other appropriate labels warning subscribers if E911 service may be limited or not available and instructing the subscriber to place them on and/or near the customer premises equipment used in connection with the interconnected VoIP service. This information should include, but is not limited to, relevant dates and methods of contact with subscribers (i.e., e-mail, U. S. mail);
  - a. Each letter sent to our subscribers on July 28, 2005 and July 29, 2005 included the warning sticker. A copy of such sticker is attached as Exhibit D.
- 4. A quantification of how many subscribers, on a percentage basis, to whom the provider did not send the advisory described in the first bullet above and/or to whom the provider did not send warning stickers or other appropriate label as identified in the bullet immediately above;
  - a. We sent the warning stickers and advisory to 100% of our current subscribers.
- 5. A detailed description of any and all actions the provider plans on taking towards any of its subscribers that do not affirmatively

## including, but not limited to, disconnecting the subscriber's VolP service with the Company no later than August 30, 2005:

- a. We have contact all subscribers by phone each of our subscribers as well as will be sending e-mails directing them to the 911 pages to verify their address and acknowledge the limitations of our 911 services. Should any future subscriber not acknowledge that they are aware of the 911 situation or fails to verify the address in the 911 section of our web site, they will receive a letter giving them a short deadline to do so otherwise their service will be disconnected by August 30, 2005 or any other future date, if they are new subscribers. However, upon signup, their addresses for 911 purposes are verified.
- 6. A detailed description of how the provider is currently maintaining any acknowledgements received from its subscribers; and
  - a. We keep the return receipts from our first mailing in a physical file. Those that will acknowledge the limitation of our 911 service on the internet, their record will be kept on our database and a report will be created. When we send out an ATA unit we will include a letter requesting their signature to be returned to us, should they prefer not to do so online.
- 7. The name, title, address, phone number, and e-mail address of the person(s) responsible for the Company's compliance efforts with the VoIP E911 Order.
  - a. Andrea Simoes, 73 Ferry Street, Newark, NK 07105, email <a href="mailto:asimoes@tufone.com">asimoes@tufone.com</a>, telephone numbers 1-973- 954-5800.

#### CONCLUSION

I believe we are in compliance with the above referenced Order. Please note that we have entered into a contract with HBF Group, http://www.hbfgroup.com, to provide for our subscribers the ultimate E911 solution, which would provide the appropriate protection for all VOIP subscribers of Tufone, Inc. We are of the opinion that that the safety and security of our subscribers is foremost.

If you have any questions please do not hesitate to contact me directly at either the above number or address, or on my cell at 201-232-0467

Very truly yours,

Moses Apsan

President

Tufone, Inc.

- cc: Byron McCoy, Telecommunications Consumers Division, Enforcement Bureau, Federal Communications Commission, Room 4-A234, 445 12th Street, SW, Washington, D.C. 20554, or by email to byron.mccoy@fcc.gov;
- Kathy Berthot, Deputy Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, Room 7-C802, 445 12th Street, SW, Washington, D.C. 20554, or by email to kathy.berthot@fcc.gov; and
- Janice Myles, Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, Room 5-C140, 445 12th Street, SW, Washington, D.C. 20554, or by e-mail to janice.myles@fcc.gov.
- Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via email to fcc@bcpiweb.com.

# Exhibit A

Exhibit A



- 1. Call 1-877- Tufone1 and ask the operator to "activate" your 911 service; or
- 2. Log into your Web Account at <a href="www.tufone.com">www.tufone.com</a>. From your Dashboard, click on the "911" link from the menu and follow the directions.

Enclosed is a "Warning Sticker" that has to be place on your TUFONE telephone Adaptor.

Sincerely,

**TUFONE** Customer Care



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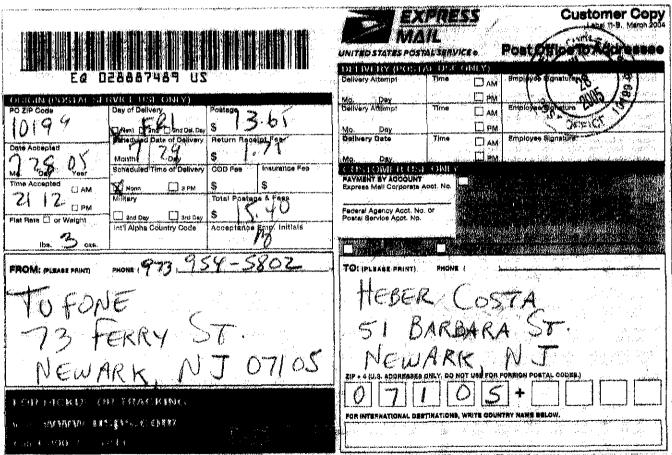
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Newark, NJ 07105	☐ Insured Mall ☐ C.O.D.	pt for Merchandise
A A A a A A bar a A A A a a a a a a a a a a a a a a a	4. Restricted Delivery? (Extra Fee)	☐ Yes

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Article Addressed to:	D. ja delivery address different from item 1? / 🏻 Yes if YES, enter delivery address below: 🗀 No
Sonte Ferman	i ino, and convery address below.
8 Bristol Place	
Fairlawn, NJ	3. Service Type
Tairway 10	Certified Mail
07410	☐ Insured Mail ☐ C.O.D.
0/110	4. Restricted Delivery? (Extra Fee)
2. Article Number (Transfer from service label) EQ 0288	87585 05
PS Form 3811, February 2004 Domestic Re	turn Receipt 102595-02-M-1540
	and the second s
SENDER: COMPLETE TIPS SECTION	COMPLETE THE SECTION ON DITIVETY
Complete items 1, 2, and 3. Also complete	A. Signature
item 4 if Restricted Delivery is desired.  Print your name and address on the reverse	Y Agent
so that we can return the card to you.	LJ Addressee
Attach this card to the back of the mailpiece, or on the front if space permits.	B. Received by (Printed Name) C. Date of Delivery
Article Addressed to:	D. Is delivery address different from Item 1?
23 0 2	If YES, enter delivery address below:
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O Antolo Ministra	4. Restricted Delivery? (Extra Fee)
2. Article Number (Transfer from service lebel) EQ 02888	7563 US
PS Form 3811 Fabruar 2004	

# Exhibit B

Exhibit B

#### FONE, INC. 73 Ferry Street Newark, NJ 07105 1-877-tufone1

July 28, 2005

Dear Tufone Customer:

A recent FCC ruling requires that all VOIP providers explain clearly the difference between the 911 services provided by companies like Tufone and the E911 by traditional carriers. There are some definite differences between these two types of 911 services. Specifically for Tufone, these are the differences:

- 1. Firstly, 911 dialing is not automatically setup for use. You must fill out a form that inform us of your physical address in order to activate our 911 service;
- 2. Once you have activated Tufone's 911 Dialing, we use the address you provide to locate the nearest emergency response center and then sends your call to a general number at that center, which may not be opened at all hours. Some local emergency response centers do not to have their general numbers manned by live operators 24 hours a day. We have contracted a Third Party Company who will receive your call first and a trained agent will contact an emergency center near you to dispatch help to you.
- 3. When the 911 centers receive your call, the operator will not have your address and may not have your phone number on hand. This is why it is most important for you to give that information to Tufone, so that it can be forwarded to the 911 centers, should you require 911 services.
- 4. If you do not activate your 911 Dialing Tufone is unable to send your call to a live operator at your local emergency response center.
- Also Tufone's 911 Dialing service does not function in the event of a broadband or power outage.
- 6. Unlike traditional phone service, you can use your Tufone adapter anywhere there is a broadband Internet connection. So if you are taking your Tufone adapter on a trip, you MUST update your new location otherwise any emergency call will be routed to the address you have listed in your personal account page. If you travel outside the U.S., you may not update your 911 address to the foreign address. Tufone 911 service only works within the United States.
- 7. In order to update your 911information, it is recommended that you call 1-877-tufone1 and speak to a live operator. You can also access you personal page and update the 911information. Note, that changes to the 911 setting done on the Internet may take several hours to update. If you cancel your number or change it, you will have to activate 911 dialing again.

Note that it can take several hours before your new settings take effect. Remember, when you add a line, change or cancel number your number, complete you portability request, you will need to activate 911 Dialing Again.

#### **WARNING LABELS**

We are enclosing a warning label to attach to the TUFONE Device. Please peel off the label and attach it.

We are sorry for any inconvenience.

Very truly yours,

Moses Apsan President, Tufone, Inc.



# Exhibit C

Exhibit C

## 911 CONTACT INSTRUCTIONS

Hello, I am from Tufone.
The purpose of this call to make sure that you clearly understand the 911 features Tufone provides to its customers.
A recently announced ruling by the FCC directs all VOIP telephone companies to make sure that all customers have a compete understanding of the 911 feature offered.
<ol> <li>Tufone 911 dialing is NOT automatic. You must first activate the 911 dialing feature For most of our customers this procedure will not be necessary as we have already placed that information your file when you registered,</li> </ol>
<ol> <li>Please give mea a minute to verify that we have the proper information.         I have listed as your address, in the case of an emergency, ist this correct? (NOTE if not correct, then correct as you speak) Thank you.     </li> </ol>
3. Let me explain the difference between Tufone 911 and the traditional 911.
<ol> <li>Tufone uses the address you provide to determine the nearest emergency response center and then sends your call to a general number at that center, which may not be manned at all hours.</li> </ol>
5. When the center receives your call, the operator will not have your address and may not have your phone number on hand. For this reason it is most important that you provide that information in order to get help.
6. Tufone has contracted with HBF Group, Inc., North America's E9-1-1 technology leader, (www.hbfgroup.com) to determine the nearest emergency response center and then send your 911 calls to a general number at that center. When the center receives your call, the operator has the option to view your address and number via a web-page. However, the operator may not have your address immediately viewable and may not have your phone number on hand, so you must provide that information in order to get help.
7. Also note that if you move your device to a different location you must update your 911 information with your new address. You will not be able to reach you local emergency response center until we confirm that your location has been registered or updated.
Do you have any questions? Did you understand what I expained?
Thank you

Federal Communications Commission Washington, DC	
In Re: Interconnected Voice Over Internet Protocol Service Providers	
WC Docket No. 04-36 WC Docket No. 05-196	AFFIDAVIT
X	

- I, Rebeca Madureira, under penalty of perjury certify the following:
  - 1. Tufone, Inc employs me.
  - 2. During the period of July 29, 2005 to August 3, 2005 I called on the telephone 21 subscribers. These subscribes included the original 16 subscribers and 5 new ones.
  - 3. I read a "script" to them in which explained the differences between traditional 911 services and the 911 service provided by Tufone.
  - 4. I verified their current address.
  - 5. A copy of the script is attached hereto.
  - 6. A list of the people contacted is attached hereto.

Sworn to before me

this 4th day of August 2005

Yrua anur Kawara

Moses Apsan, Esq. An Attorney at Law State of New Jersey

# Exhibit D

Exhibit D

WARNING: The 911 Emergency	Fire	WARNING: The 911 Emergency	Fire
Service provided by Tufone, Inc is limited.	Police	Service provided by Tufone, Inc is limited.  For more information contact	Police
1-877-TUFONE1			EMS
WARNING: The 911 Emergency Service provided by Tufone, Inc	Fire	WARNING: The 911 Emergency Service provided by Tufone, Inc	Fire
is limited.  For more information contact	Police		Police
1-877-TUFONEI	EMS	<b>1</b>	EMS
WARNING: The 911 Emergency Service provided by Tufone, Inc	Fire	WARNING: The 911 Emergency Service provided by Tufone, Inc	Fire
For more information contact	Police	For more information contact	Police
1-877-TUFONE1	EMS	1-877-TUFONE1	EMS
WARNING: The 911 Emergency Service provided by Tufone, Inc	Fire	WARNING: The 911 Emergency Service provided by Tufone, Inc	Fire
is limited.  For more information contact	Police		Police
1-877-TUFONE1	EMS		EMS
WARNING: The 911 Emergency	Fire	WARNING: The 911 Emergency Service provided by Tufone, Inc	Fire
Service provided by Tufone, Inc is limited.	Police	_ ·	Police
For more information contact 1-877-TUFONE1	EMS		EMS
Service provided by Tufone, Inc	Fire	WARNING: The 911 Emergency Service provided by Tufone, Inc	Fire
	Police	•	Police
1-877-TUFONEI	EMS		EMS
WARNING: The 911 Emergency Service provided by Tufone, Inc	Fire	WARNING: The 911 Emergency Service provided by Tufone, Inc	Fire
is limited.	Police	is limited.	Police
For more information contact 1-877-TUFONE1	EMS	For more information contact 1-877-TUFONE1	EMS
WARNING: The 911 Emergency	Fire	WARNING: The 911 Emergency Service provided by Tufone, Inc	Fire
Service provided by Tufone, Inc is limited.  For more information contact	Police	<u> </u>	Police
1-877-TUFONE1	EMS		EMS
WARNING: The 911 Emergency	Fire		Fire
Service provided by Tufone, Inc is limited.  For more information contact  1-877-TUFONE1	Police	is limited.	Police
	EMS	For more information contact 1-877-TUFONE1	EMS
WARNING: The 911 Emergency	Fire	WARNING: The 911 Emergency Service provided by Tufone, Inc	Fire
Service provided by Tufone, Inc is limited.	Police		Police
For more information contact 1-877-TUFONE1	EMS		EMS

## 

Name	Telephone	Date	Address Verification
Ronei da Silva	678-2280285	8/1/2005	Yes
Marcos Torres	973-9545819	8/1/2005	Yes
Cintia Alves	973-8540117		Canceled
Heber Costa	973-9545811	8/1/2005	Yes
Marcio Santos	973-9545818	8/1/2005	Yes
Teresa Perrone	610-8795217	8/1/2005	Yes
Amalia Correia	732-9031704	8/1/2005	Yes
Joao Viana	973-9545801	8/1/2005	Yes
Maria leite	732-7090429	8/1/2005	Yes
Helio Filho	718-3378963		Will send back signed Letter
Fabio do nascimento	201-6335297	8/2/2005	Yes
Jair Araujo	646-4436876	8/2/2005	Yes
Moses Apsan	201-8825748	8/2/2005	Yes
Moses Apsan	201-8825748	8/2/2005	Yes
Ednilson Placides	614-7961340	8/3/2005	Yes
Antonio Silva	201-4902205	8/2/2005	Yes
Dante Ferman	201-7086103	7/29/2005	Yes
Vahudette Hurtado	201-8829400	8/4/2005	Yes
isabela Gelb	973-8422601	7/29/2005	Yes
Roselene Mourao	215-5333808	7/29/2005	Yes
Helena Cerqueira	973-9545821	8/3/2005	Yes

### FONE, INC. 73 Ferry Street Newark, NJ 07105 1-877-tufone1

Dear Tufone Customer:

A recent FCC ruling requires that all VOIP providers explain clearly the difference between the 911 services provided by companies like Tufone and the traditional carriers. There are some definite differences between these two types of 911 services. Specifically for Tufone, these are the differences:

- 1. Firstly, 911 dialing is not automatically setup for use. You must fill out a form that inform us of your physical address in order to activate our 911 service;
- 2. Once you have activated Tufone's 911 Dialing, we use the address you provide to locate the nearest emergency response center and then sends your call to a general number at that center, which may not be opened at all hours. Some local emergency response centers do not to have their general numbers manned by live operators 24 hours a day. We have contracted a Third Party Company who will receive your call first and a trained agent will contact an emergency center near you to dispatch help to you.
- 3. When the 911 centers receive your call, the operator will not have your address and may not have your phone number on hand. This is why it is most important for you to give that information to Tufone, so that it can be forwarded to the 911 centers, should you require 911 services.
- If you do not activate your 911 Dialing Tufone is unable to send your call to a live operator at your local emergency response center.
- 5. Also Tufone's 911 Dialing service does not function in the event of a broadband or power outage.
- 6. Unlike traditional phone service, you can use your Tufone adapter anywhere there is a broadband Internet connection. So if you are taking your Tufone adapter on a trip, you MUST update your new location otherwise any emergency call will be routed to the address you have listed in your personal account page. If you travel outside the U.S., you may not update your 911 address to the foreign address. Tufone 911 service only works within the United States.
- 7. In order to update your 911information, it is recommended that you call 1-877-tufone1 and speak to a live operator. You can also access you personal page and update the 911information. Note, that changes to the 911 setting done on the Internet may take several hours to update. If you cancel your number or change it, you will have to activate 911 dialing again.

Note that it can take several hours before your new settings take effect. Remember, when you add a line, change or cancel number your number, complete you portability request, you will need to activate 911 Dialing Again.

We are sorry for any inconvenience.

Very truly yours,

Moses Apsan President, Tufone, Inc.

Please sign below and return to our office.

Thank you for your patience as we continue to ensure the highest quality phone service.



July 28, 2005

#### IMPORTANT INFORMATION ABOUT 911 EMERGENCY DIALING

Dear Tufone Customer.

The purpose of this letter is to make sure that you clearly understand the 911 features Tufone provides to its customers.

A recently announced ruling by the FCC directs all VOIP telephone companies to make sure that all customers have a compete understanding of the 911 feature offered.

### What is the Difference between Tufone 911 service and Traditional 911 service?

TUFONE offers a limited 911-type service available only on TUFONE Devices. There are specific differences between the Tufone 911 service and traditional 911 services. These are the basic differences:

- 1. Tufone 911 dialing is NOT automatic. You must first activate the 911 dialing feature by following the instructions from the "911" link on your dashboard or call Tufone at 1-877-TUFONE-1 and speak to a service assistant. For most of our customers this procedure will not be necessary, as we have already placed that information on your file when you registered, but please contact Tufone and verify that we have the proper information.
- 2. Tufone uses the address you provide to determine the nearest emergency response center and then sends your call to a general number at that center, which may not be manned at all hours.
- 3. When the center receives your call, the operator will not have your address and may not have your phone number on hand. For this reason it is most important that you provide that information in order to get help.
- 4. Tufone has contracted with HBF Group, Inc., North America's E9-1-1 technology leader, (www.hbfgroup.com) to determine the nearest emergency response center and then send your 911 calls to a general number at that center. When the center receives your call, the operator has the option to view your address and number via a web-page. However, the operator may not have your address immediately viewable and may not have your phone number on hand, so you must provide that information in order to get help.
- 5. Also note that if you move your device to a different location you must update your 911 information with your new address. You will not be able to reach your local emergency response center until we confirm that your location has been registered or updated.
- 6. Tufone's 911 Dialing service will not function in the event of a broadband or power outage.

To configure your account for 911 services you may: